

February 11, 2002

Client Matter No.: 1059

VIA FACSIMILE AND E-MAIL

Steven H. Hartmann
Senior Counsel, Carrier Relations
Verizon
1515 North Court House Road, Suite 500
Arlington, Virginia 22201-2909

Re: North County Communications, West Virginia

Dear Steven:

This is in response to your letter of January 30, 2001 to Mike Hazard.

I have had extensive discussions with Todd Lesser, North County's President. While he has informed me that he is very pleased with the established shared facility that he is presently utilizing for interconnection with Verizon in Charleston, West Virginia (what you referred to as "a shared Outside Plant end user facility") he is concerned about the request to roll the circuits over to the dedicated facility. The shared facility arrangement can be provisioned in about 30 days -- the relevant retail interval -- while a dedicated fiber built out by Verizon can take as long as a year. Moreover, the dedicated fiber facility is materially more expensive for Verizon to deploy than the analogous retail facility.

Verizon chose to construct a dedicated entrance facility that NCC can "roll" onto. NCC is certainly willing to make mutually-agreeable arrangements for such a transition for the balance of its circuits. However, as you probably know, NCC is experiencing the same or similar difficulties with Verizon in other venues where it is attempting to get turned up. Over and over, NCC is being told that it may not interconnect at a "retail facility" and must, instead, await a dedicated fiber "wholesale" build-out. Given the long delay inherent with such a build-out, this is unacceptable. In these circumstances, NCC should immediately (ie within the 30 day retail window) be interconnected to a mutually convenient shared facility while the dedicated facility is being constructed. NCC is entitled to avail itself of the technically feasible interconnection over OSP end user facilities (i.e., retail facilities) in other Verizon areas to minimize NCC's time to market. NCC, of course, would agree to migrate to other Verizon facilities, such as a dedicated entrance facility, when they became available. Given the great expense of the dedicated entrance facility, NCC is quite frankly surprised that Verizon wishes to go that route. But NCC certainly has no problem with Verizon utilizing that type of mechanism, so long as it does not artificially slow NCC's time to market, and so long as Verizon acknowledges,

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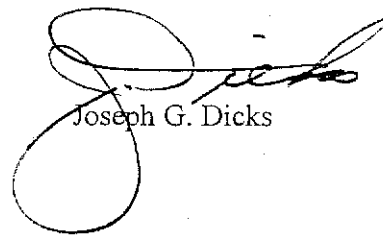
in writing, that this will be the appropriate protocol in all future circumstances and venues where NCC seeks interconnection.

Agreement on this issue would (1) speed NCC's time to market, (2) give Verizon plenty of time to create new dedicated facilities to the extent that Verizon wishes to, and (3) provide Verizon with certainty as to how NCC will migrate from the retail facility to a dedicated facility once Verizon completes its work. Since, as you said, the issues presented are "relatively straightforward," I'm confident we can come up with a sound policy and execute a simple interconnection agreement to handle these issues.

If you have any questions, need additional information, or want to schedule a session to get the ball rolling, please do not hesitate to contact this office.

Very Truly Yours,

LAW OFFICES OF JOSEPH G. DICKS, A.P.C.



Joseph G. Dicks

JGD/stj